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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,450	06/30/2006	Philip W. Wyers	2042	8337

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EXAMINER	
BOSWELL, CHRISTOPHER J	
ART UNIT	**PAPER NUMBER**
3676	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/548,450	WYERS, PHILIP W.	
	Examiner	Art Unit	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4,9-16,18-21,25-33,35-38 and 44-49 is/are rejected.

7)☒ Claim(s) 5-8,17,22-24,34 and 39-43 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 September 2005 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 9-16, 18-21, 26-33, 35-38 and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,408,661 to Chen.

Chen discloses a locking device, comprising a first body member (20) having a first interior (200), a second body member (30) having a second interior (33), a retainer element (44) including a first end portion (442) received in the first interior and a second end portion (440) received in the second interior, the retainer element operative to mechanically link the first and second body members together for longitudinal movement between a collapsed orientation (figure 4) and an expanded orientation (figure 7), the retainer element movable between a retain position (figure 5) wherein the retainer element secures the first and second body members in the collapsed orientation and a release position (figure 6) wherein the first and second body members may move between the collapsed orientation and the expanded orientation, and a lock core (40) disposed in the first interior and operative to engage the retainer element, the lock core having a locked state (figure 5) wherein the retainer element is held in the retain position and movable to an unlocked state (figure 6) wherein the retainer element is moved from the retain position to the release position, as in claim 1.

Chen also discloses a shackle (24) extending between the first and second body members and operative to enclose a locking region when the first and second body members are in the collapsed orientation, as in claim 2, and including a catch (34) in the second interior, the retainer element including a latch portion (46) operative to engage the catch when the retainer element is in the retain position and to release from the catch when in the release position, as in claim 4.

Chen further discloses the first body member includes a first arm (23) extending laterally thereof and wherein the second body member includes a second arm (32) extending laterally thereof, the first and second arms being opposed to one another when the first and second body members are in the collapsed orientation and the retainer element is in the retain position (figure 4), as in claim 9, wherein the first and second arms arm in generally parallel spaced-apart relation when the first and second body members are in the collapsed orientation and the retainer element is in the retain position (figure 4), as in claim 10, and including an elongated shackle post (24) disposed on a first one of the first and second arms and terminating in a free end (figure 7), as in claim 11, wherein a second one of the first and second arms includes a bore (36) sized and adapted to matably engage the free end of the shackle post when the first and second body members are in the collapsed orientation (figure 4), as in claim 12.

Chen additionally discloses the first and second body members are rotatable with respect to one another about a rotational axis when in the expanded orientation (figure 7; as the members are separated, they are free to move in any direction), as in claim 13, as well as the first end portion of the retainer element is rotatably disposed about a retainer axis in the first interior (figure 4) and wherein the second end portion of the retainer element is rotatably disposed about the retainer axis in the second interior (figure 4), as in claim 14, wherein the retainer axis and the

rotational axis are coaxial (figure 4), as in claim 15, and the lock core is rotatable mounted in the first interior such that the lock core rotates when it is moved between the locked and unlocked states thereby to rotate the retainer element between the retain and release positions (figures 5 and 6), as in claim 16.

Chen also discloses a locking device comprising a first body member (20) including a first housing portion and a first arm (23) portion extending laterally of the first housing portion, the first housing portion having a first interior (200), a second body member (30) including a second housing portion and a second arm (32) portion extending laterally from the second housing portion, the second housing portion having a second interior (33), a retainer element (44) including a first end portion (442) rotatably received in the first interior and a second end portion (440) rotatably received in the second interior,, the retainer element operative to mechanically link the first and second body members together for longitudinal movement between a collapsed orientation (figure 4) and an expanded orientation (figure 7), the retainer element rotatable about a longitudinally extending retainer axis between a retain position (figure 5) wherein the retainer element secures the first and second body members in the collapsed orientation and a release position (figure 6) wherein the first and second body members may be moved move between the collapsed orientation and the expanded orientation, a lock core (40) disposed in the first interior and operative to engage the retainer element, the lock core rotatable between a locked state (figure 5) wherein the retainer element is placed in the retain position and an unlocked state (figure 6) wherein the retainer element is placed in the release position, and a shackle (24) extending between the first and second arm portions and operative with the first and second body

members to enclose a locking region when the first and second body members are in the collapsed orientation, as in claim 18.

Chen further discloses the first housing portion includes a cylindrical nose (212) projecting longitudinally thereof, the first interior being defined by a cylindrical nose bore (interior bore of element 212) formed in the nose and in communication with a cylindrical core bore (200) formed in the first housing portion, the retainer element including a base (440) received in the core bore and a shank portion (442) extending longitudinally of the base and received in the nose bore and a latch portion (46) projecting longitudinally outwardly of the nose, as in claim 19.

Chen additionally discloses the second interior of the second housing portion has a latch cavity (33) sized and adapted to slideably receive the latch portion therein and a nose cavity sized (341) and adapted to slideably receive the nose therein, as in claim 20, and including a catch (34) in the second interior, the latch portion operative to engage the catch when the retainer element is in the retain position and to release from the catch when in the release position (figure 5 and 6), as in claim 21, as well as the retainer element includes limit stops (the respective sidewalls of element 46) operative to constrain the retainer element for rotational movement between first and second angular positions (figures 5 and 6), as in claim 26, and including a cap member (27) secured to the first body member and adapted to fit over an exposed face of the lock core (figures 2 and 8), as in claim 27, and the first and second arms are in generally parallel spaced-apart relation when the first and second body members are in the collapsed orientation and the retainer element is in the retain position (figure 4), as in claim 28.

Chen also discloses the shackle is defined by an elongated shackle post (24) disposed on a first one of the first and second arms and terminating in a free end (figure 7), as in claim 29, wherein a second one of the first and second arms includes a bore (36) sized and adapted to matably engage the free end of the shackle post when the first and second body members are in the collapsed orientation (figure 4), as in claim 30, and the first and second body members are rotatable with respect to one another about a rotational axis when in the expanded orientation (the members are separated when in the expanded orientation, and thus are free to move in any direction), as in claim 31, wherein the retainer axis and the rotational axis are coaxial (figure 4), as in claim 32, as well as the lock core is key actuable (column 3, lines 24-25), as in claim 33.

Chen further discloses locking device comprising a first body member (20) including a first housing portion and a first arm (23) portion extending laterally of the first housing portion, the first housing portion having a first interior (200), a second body member (30) including a second housing portion and a second arm (32) portion extending laterally from the second housing portion, the second housing portion having a second interior (33) with a catch (34) therein, a retainer element (44) including a first end portion (442) rotatably received in the first interior and a latch portion (46) longitudinally extending out of the first housing and rotatably received in the second interior so as to selectively engage the catch, the retainer element operative to mechanically link the first and second body members together for longitudinal movement between a collapsed orientation (figure 4) and an expanded orientation (figure 7) and such that the first and second housing portions are linked for rotational movement about a longitudinally extending rotational axis, the retainer element rotatable about a longitudinally

extending retainer axis between a retain position (figure 5) wherein the latch portion engages the catch when the retainer element is in the retain position thereby to secure the first and second body members in the collapsed orientation and releases from the catch when in the release position whereby the first and second body members may be moved between the collapsed orientation and the expanded orientation, a lock core (40) disposed in the first interior and operative to engage the retainer element, the lock core rotatable between a locked state (figure 5) wherein the retainer element is placed in the retain position and an unlocked state (figure 6) wherein the retainer element is placed in the release position, and a shackle (24) extending between the first and second arm portions and operative with the first and second body members to enclose a locking region when the first and second body members are in the collapsed orientation (figure 4), as in claim 35.

Chen additionally discloses the rotational axis and the retainer axis are co-axial (figure 4), as in claim 36, as well as the first and second housing portions may be rotated 360° when the first and second body members are in the expanded orientation (as the members are separated in the expanded orientation, they are free to move in any direction), as in claim 37, and where the first housing portion includes a cylindrical nose (212) projecting laterally thereof, the first interior being defined by a cylindrical nose bore (interior bore of element 212) formed in the nose and in communication with a cylindrical core bore (200) formed in the first housing portion, the retainer element including a base (440) received in the core bore and a shank portion (442) extending longitudinally of the base and received in the nose bore with the latch portion projecting longitudinally outwardly of the nose portion, as in claim 38, as well as the second interior of the second housing portion has a latch cavity (33) sized and adapted to slideably

receive the latch portion therein and a nose cavity sized (341) and adapted to slideably receive the nose therein, as in claim 39, and the retainer element includes limit stops (the respective side walls of element 46) operative to constrain the retainer element for rotational movement between first and second angular positions (figure 5 and 6), as in claim 44.

Chen also discloses a locking device, comprising: a first body member (20), a second body member (30), retainer means (44) for linking the first and second body members together for longitudinal movement between a collapsed orientation (figure 4) and an expanded orientation (figure 7) and rotational movement when in the expanded orientation, the retainer means being movable between a retain position (figure 5) wherein the first and second body members are secured in the collapsed orientation and a release position (figure 6) wherein the first and second body members may move between the collapsed orientation and the expanded orientation, and key actuable lock means (40) for engaging the retainer means and being movable between a locked state (figure 5) wherein the retainer means is held in the retain position and an unlocked state (figure 6) wherein the retainer means is moved from the retain position to the release position, as in claim 45.

Chen further discloses shackle means (24) extending between the first and second body members and operative to enclose a locking region when the first and second body members are in the collapsed orientation (figure 4), as in claim 46, as well as the first body member includes a first arm (23) extending laterally thereof and wherein the second body member includes a second arm (32) extending laterally thereof, the first and second arms being opposed to one another when the first and second body members are in the collapsed orientation and the retainer element

is in the retain position (figure 4), as in claim 47, wherein the first and second arms arm in generally parallel spaced-apart relation when the first and second body members are in the collapsed orientation and the retainer means is in the retain position (figure 4), as in claim 48, and including an anti-rotation structure (212) associated with the first and second body members and operative to prevent relative rotation therebetween when in the collapsed orientation (figure 4), as in claim 49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, as applied above, in view of U.S. Patent Number 6,055,832 to Wyers.

Chen discloses the invention substantially as claimed. However, Chen does not disclose a sealing member disposed between the first and second body members. Wyers teaches of a locking assembly (10) having a first body member (20) and a second body member (42), wherein a sealing member (66) is disposed between the first and second body members in the same field of endeavor for the purpose of preventing ingress of unwanted substances through the openings in the body members (column 7, lines 52-59. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a seal member, as taught by

Wyers, on to the locking device of Chen, where the seal member would reside on element 212 in order to prevent ingress of unwanted substances through the openings in the body members.

Allowable Subject Matter

Claims 5-8, 17, 22-24, 34 and 39-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of the retainer element includes a retaining head operative to engage the catch when the first and second body members are in the expanded orientation thereby to define a limit stop that prohibits movement of the first and second body members away from one another beyond the expanded orientation, and the catch being defined by a transverse pin, the latch portion including a latch groove formed in the retainer element sized and adapted to engage the pin, as well as a protective sleeve extending between the first and second body members, at least one of the first and second body members being longitudinally movably within the sleeve.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to longitudinally movable locking devices:

U.S. Patent Number 6,935,871 to Maurer, Jr., U.S. Patent Number 6,644,071 to Gilbertson et al., U.S. Patent Number 5,987,939 to Pitisettakarn, U.S. Patent Number

5,442,941 to Kahonen et al., U.S. Patent Number 4,068,504 to Pickard, U.S. Patent Number 2,999,377 to Raye.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3676

CJB CB
July 9, 2007